

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

December 19, 2002

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, December 19, 2002, at 1:00 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Bud Hentzen, Chair; Kerry Coulter (late arrival), Vice-Chair; Bill Johnson; Harold Warner; Frank Garofalo; Ray Warren; Elizabeth Bishop; Don Anderson; Dorman Blake; James Barfield (late arrival); David Wells (late arrival); John McKay, Jr. (late arrival); Jerry Michaelis (late arrival); and Ron Marnell (late arrival). Staff members present were: Dale Miller, Secretary; Donna Goltry, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Dave Barber, Land Use Supervisor; and Rose Simmering, Recording Secretary.

1. Approval of MAPC meeting minutes November 21, 2002 and December 5, 2002.

MOTION: That the minutes for November 21, 2002 be approved. The December 5, 2002 Minutes were not sent out to MAPC members.

GAROFALO moved, **JOHNSON** seconded the motion, and it carried (8-0).

2. **Case No.: DR2000-00011 Delano Neighborhood Plan** – Adoption of Proposed Rezoning for the Delano Neighborhood. Generally located in all the area north of Kellogg, east of Meridian, south of Central and west of the Arkansas River.

On September 26, 2002, the Metropolitan Area Planning Commission held a hearing to consider the area-wide downzoning initiative proposed for the Delano neighborhood. This rezoning initiative was proposed in conjunction with a proposed Overlay District and Design Guideline concept for the Delano area. Following the closure of the hearing, the MAPC passed a motion to deny the proposed Overlay District and Design Guidelines and to defer a decision on the rezoning initiative until the Commission meeting of December 19, 2002. The Commission felt that additional time (beyond the original "opt-out" deadline of September 26th) was necessary to allow property owners to decide their preference on the downzoning proposal.

It is the consensus of the Delano Neighborhood Association and Delano Business Association leaders that the rezoning initiative for the Delano neighborhood should proceed independent of the proposed Overlay District and Design Guidelines. There has been little if any opposition to the rezoning concept due to its voluntary nature (the "opt-out" provision). The City Council members for District IV and VI have also indicated to MAPD staff that they would be willing to bring the rezoning initiative before Council, if acted upon by the MAPC, prior to the resolution of objections pertaining to the Overlay District and Design Guidelines. Staff recommends that MAPC approve the Delano Revised Proposed Zoning Map, reflecting all property owner "opt-out" requests received as of December 19, 2002.

DAVID BARBER, Planning staff presented background information. Six additional "opt-out" requests have been received since the MAPC meeting of September 26th. The Delano Neighborhood Association and Business Association have representatives here to speak at today's meeting. The Planning Staff recommendation to the MAPC is to approve the rezoning map, reflecting all property owner "opt-out" requests received as of December 19th.

WARREN Since the Overlay District was denied by this body, what about the City moratorium concerning this matter?

BARBER Yes, the WCC did extend the moratorium for this area until May 6, 2003.

WARREN So if a person came in with a permit request he would be denied?

COULTER in at 1:06 p.m.

BARBER The moratorium only applies to frontage property on the Seneca corridor and Douglas corridor (from Seneca to McLean). The WCC wants to form a task force to address the Overlay District and Design Guideline issue for the whole neighborhood.

WARREN How long was the City's moratorium extended for?

BARBER It was extended to May 6, 2003.

WARREN How did you notify the property owners? Was there a certified mailing?

BARBER We are not required by state statute to send out certified mail. We sent two official notifications by first class mail to all registered property owners in the Delano neighborhood advising of the rezoning proposal and the option to "opt-out" of the rezoning proposed for their property. There was also a full color page insert in the Wichita Eagle informing the public on the rezoning issue and letting them know when the public hearings would held.

WARREN Some people live out of town that own property in that area.

BARBER All property owners of record were notified by first class mail. We do not have a legal obligation to give notice by certified mail.

MCKAY I will not be voting on this case because I own property in Delano neighborhood ... so I will be abstaining.

GAROFALO Two maps ... the new one dated as of 12-12-02 ... there appears to be a big difference from the one we saw September 26th. There seems to be more colors why? It seems different. What has changed?

BARBER Quite a number of people submitted "opt-out" requests on September 26th, so they were not shown on the map presented at the hearing on September 26th. The new map before you today reflects all those who have "opted-out" to-date, which is about 100 property owners.

HENTZEN The rezoning that we are talking about today ... there will be no financial cost against individual property owners that are "opting out". How about those property owners that discover five months to a year from now that they may want to change their zoning. Will they go through the zoning process and be charged? What would that cost be?

BARBER They will have to pay the rezoning cost.

MILLER It is a sliding scale. An ownership list from the abstract company has to be obtained, and that expense is to be paid by the applicant in addition to the rezoning fee.

HENTZEN This was a rezoning proposal by the City of Wichita. Is there any justification for not charging those that much that want to correct it later? They had a chance here to correct it. but as time goes on there will probably be a bunch of zoning requests come up. Is there any desire to make a case on the cost?

MILLER The fees are set by ordinances by the City Council, and only Council can waive the fees. We have sent notification twice to the property owners. There has also been a lot of publicity about this matter.

WARNER I am looking at the map with the colors. These "TF-3" Two-family Residential zonings that are mingled throughout the "SF-5" Single-family Residential zonings ... is that their existing zoning now?

BARBER Yes, these are all property owners that want to leave the zoning the way it is. That has created the peppered look on the map.

GAROFALO Do you have a breakdown on the type of zonings that were "opt-out". Were they mostly of the two-family residential zoning or retail zoning?

BARBER Most of the property owners who wanted to "opt-out" had multi-family residential zoning ... either the "B" Multi-family Residential zoning, the "MF-29" Multi-family Residential or the "TF-3" Twofamily Residential. We also had quite a few people in the Urban Village area that wanted to stay Limited Industrial.

WARREN How much site review has been done down there? If we had a duplex now, would the new zoning make it non-conforming?

BARBER We did extensive field checking and looked at the County assessment records for each property to be sure that we did not create nonconformities through the proposed rezoning. If we saw a duplex, we kept it zoned appropriately. If a property owner has does something to the property or building that the County Appraiser doesn't know about and we couldn't detect it through visual observations, then that is a different story.

WARREN Some of these are duplex lots already zoned "MF-29" Multi-family Residential. What about if the City failed to recognize the "MF-29" Multi-family Residential use, which the use is now, will we make it non-conforming with the new zone change we are proposing?

MILLER They would have the rights under non-conforming section of the Code. Property owners could down zone.

LARRY BROWN, 1615 University: I am for the proposed rezoning. I have lived here for 38 years. Most of the manufacturing uses in the area have moved or left the neighborhood, and we cannot reinvest in these areas for residential use because of the zoning. We need to transform these parts of Delano into residential neighborhood living areas. Many people in the neighborhood have been contacted by the Delano Neighborhood Association. We have been working on this for over four years now and we believe this is the best plan at this time.

JACK KELLOGG, President of Delano Business Association, 610 W. Douglas: We feel this proposal is a win-win situation. Most property owners can operate more honestly. Some of them are not legal with the second floor residential use. This rezoning will make it legal. It is designed in our opinion, to give the people the right zoning to reflect what they do, and not what was originally thought the land would be used for. There has been a lot of difficulty in acquiring a mortgage because of the current zoning. There is not much opposition to the rezoning ... WABA supports it. We want you to vote positive on this rezoning.

RAY RANCURET, President of Delano Neighborhood Association, 232 S. Millwood: We ask that you separate the rezoning initiative from the Overlay and Design Guidelines initiative. I want to emphasize there are seven homeowners right now that are waiting for the rezoning because they want to remodel, but that can't do that unless they pay for the rezoning application. There has been very little opposition to the rezoning.

WAYNE M. WELLS, 432 S. Osage: I have lived in Delano since 1969. I want you to vote in favor of the rezoning.

DAVID WELLS I need to declare a conflict of interest as well.

BISHOP I am not declaring a conflict, but I have talked with neighborhood leaders, and I have attended a neighborhood meeting or two.

HENTZEN I have attended a neighborhood meeting as well on this topic.

MOTION: To Approve the Delano Revised Proposed Zoning Map, reflecting all property owner "opt-out" requests received as of December 19, 2002.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (12-0-2) **MCKAY** and **WELLS** abstained.

Items 3-1 through 3-5 anyone hear to speak on these items?

3. Consideration of Subdivision Committee Recommendations
Items 3-1 through 3-6 may be taken in one motion unless there are questions or comments.

3-1. SUB2002-111 – Final Plat – PEACOCK SECOND ADDITION, located on the south side of Central and east of West Street.

- A. Municipal services are available to serve the site. **A cross-lot drainage agreement is needed.**
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- D. The plat proposes one access opening along Central. **Traffic Engineering has approved one opening in alignment with Joann Street which is a deviation from Access Management Regulations. A memorandum has been provided to MAPC in this regard. A cross-lot access agreement needs to be provided between the two lots. A restrictive covenant is also requested that permits future cross-lot access with the abutting property owner to the west along Central.**
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. **The applicant will submit a Driveway Closure Certificate in lieu of a guarantee as the driveway will be closed upon site development.**
- F. **City Engineering** has requested a No Protest Petition to pave Donna Avenue.
- G. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- H. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- I. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- J. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- L. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- M. Perimeter closure computations shall be submitted with the final plat tracing.
- N. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- O. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- P. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **MICHAELIS** seconded the motion, and it carried (14-0).

3-2. SUB2002-112 – Final Plat –ANTLER POINT ADDITION, located east of 247th Street West, on the south side of 53rd Street North.

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **County Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan needs to provide for removal of terraces. A cross lot drainage agreement is needed with the property to the east. A drainage reserve is needed. The plat is located within the Andale Watershed District #9.**
- D. The applicant shall guarantee the installation of Tenpoint to the 36-ft rock suburban street standard.
- E. **County GIS** needs to comment on the street name. **The street name is approved.**
- F. The Applicant has provided a 70-ft contingent dedication of street right-of-way extending to the south property line, in order to provide potential street connection to adjoining properties. On the final plat tracing, the contingent dedication of right-of-way needs to be referenced in the plat's text as follows: "The contingent street dedication is hereby contingently dedicated as street right-of-way to become effective upon the platting of any adjacent subdivision having a street connecting thereto. The costs of constructing said street, are to be borne by the person(s) or agency that owns said adjacent subdivision."
- G. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the County.
- H. Access drives to any structure in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2)The surface will need to be an all weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed
- I. The recording information for all pipeline easements shall be indicated on the face of the plat.
- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.

- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **MICHAELIS** seconded the motion, and it carried (14-0).

3-3. SUB2002-128 – One-Step Final Plat – THE WATERFRONT SECOND ADDITION, located on the north side of 13th Street North and east of Webb Road.

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- B. Prior to this plat being forwarded to the City Council, the applicant shall apply for annexation to Wichita for the southeastern corner of the plat (100' x 180'). Prior to this plat being scheduled for City Council review, annexation of this portion of the property will need to be completed.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- E. **Traffic Engineering** needs to comment on the access controls. The plat proposes three access openings along 13th Street. **Access controls are approved.**
- F. The plattors text shall be corrected to delete reference to "Lot 4".
- G. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- H. The Applicant is advised that if platted, the building setback may be reduced to 20 feet and should be extended to the west property line of Lot 1.
- I. **GIS** has requested that "Parkway" be denoted as "Pky".
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- S. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- T. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **MICHAELIS** seconded the motion, and it carried (14-0).

3-4. SUB2002-122 – One-Step Final Plat – ST MARKS ADDITION, located west of 183rd Street West and on the north side of 29th Street North.

- A. The final plat shall be submitted with a revised name as an Addition now exists with the name "St. Mark Addition".
- B. Since sanitary sewer is unavailable to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- C. The site is currently located within the Rural Water District No. 4. The applicant shall contact this water district to determine the ability of this property being platted to connect to their water line and submit a letter to MAPD and County Code Enforcement from the water district to that effect.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. County Engineering needs to comment on the status of the applicant's drainage plan. ***A drainage plan is needed.***
- F. The plat proposes seven access openings along 29th St. North. Distances should be shown for all segments of access control. The final plat tracing shall reference the dedication of access controls in the plat's text. ***The Subdivision Committee has approved all proposed openings.***
- G. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- H. The portion of the cemetery site involved in burials is recommended to be platted as a Reserve. The Reserve description of uses should allow for these features, uses, and non-habitable structures associated with a cemetery.
- I. The 20-ft water easement needs to be located.
- J. On the final plat tracing, the MAPC signature block needs to reference "Bernard A. Hentzen, Chair".
- K. "Colwich" needs to be removed from the title of the plat.
- L. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- M. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- T. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Southwestern Bell has requested additional easements.
- U. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **MICHAELIS** seconded the motion, and it carried (14-0).

3-5. SUB2002-127-- One-Step Final Plat -- HOLZMAN ADDITION, located on the east side of Greenwich Road and south of Pawnee.

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. Both Lots 1 and 2 contain less than the required 4.5 acres for lots served by sewage lagoons, and it is recommended that only one lot be platted. The applicant has agreed to pave only one lot.
- B. MAPD recommends that Lot Bundling provisions not be applied for this plat due to the bi-zoned nature of the property. A modification has been approved.
- C. The site is currently located within the Rural Water District No. 3. The applicant shall contact this water district to determine the ability of this property being platted to connect to their water line and submit a letter to MAPD and **County Code Enforcement** from the water district to that effect.
- D. **City Water and Sewer Department** requests a No Protest Agreement for the future extension of sanitary sewer and municipal water services.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. **County Engineering** needs to comment on the status of the applicant's drainage plan.
- G. The plat proposes one access opening for each lot. Complete access control shall be platted north of the commercial property and the location of the southerly opening shall be platted.
- H. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay (referenced as P-O #114) and its special conditions for development on this property.
- I. The Applicant is advised that if platted, the building setback may be reduced to 25 feet.
- J. The Applicant needs to verify the location of the pipeline easement indicated in the platting binder. The easement shall be

shown if encumbering this plat, or verification provided that it is off-site or has been released.

- K. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
- L. The platting binder indicates a party holding a mortgage on the site. This party's name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.
- M. The applicant is reminded that a condition of zoning approval was the submittal of a restrictive covenant regarding consolidation of the LC-zoned property with adjoining residential property.
- N. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- W. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **MICHAELIS** seconded the motion, and it carried (14-0).

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- 3-6. DR2002-12** – Request for a street name change for a segment of Hoover Road to Citation Boulevard, located between the intersection of K-42 Highway and north to the entrance of Cessna's new Citation Service Center.

OWNER/APPLICANT: John Fowler, Cessna-Textron, Dept. 168, P.O. Box 7704, Wichita, KS 67277-7704

LEGAL DESCRIPTION: Hoover Road, beginning at the centerline of Hoover Road at the north right-of-way line of K-42 Highway, extending north 3,460 feet.

REASON FOR REQUEST: To name a segment of Hoover Road.

CURRENT ZONING: "LI" - Limited Industrial.

NOTE: The Address Committee met on December 3, 2002, to discuss Cessna's request to rename part of Hoover to Citation Boulevard. After much discussion, they felt it was detrimental to the interest of sound addressing in Sedgwick County to rename part of an arterial/section line road and they did not want to set a precedent. **The purpose of the Address**

Committee is to correct those areas that are confusing to the general public, emergency responders, dispatchers, etc. The address guidelines that have been written discourage vanity addresses. It states "...vanity street names will not be allowed for only a segment of a street, but if used, must be used for the entire street length". Since Hoover is a section line road, this would involve changing the name throughout the entire county.

Although Cessna has volunteered to offset costs of a street name change to the affected businesses, the Committee felt it would also affect businesses farther north, and possibly to the south, whose main access to their business is Hoover Street. The public safety agencies at the meeting (EMS, 911, Wichita Fire Dept and Sedgwick County Fire Dept) also felt it could cause confusion in finding addresses along this street. All business from 31st Street South to Kellogg, whose current address is Hoover Street, were notified of Cessna's request so that they might have input.

The Committee recommended that a private drive to Cessna's new facility be named "Citation". The private drive could have a street type of "Ln." or "Way", but would not be allowed to use "Blvd." or "Dr." as these imply a major thoroughfare. The United States Postal Service, who had a representative at the meeting, noted that Cessna could use a special vanity **mailing** address if they chose such as "1 Citation Ln." The official address would need to remain in line with the hundred block and would be reflected on the building permit.

By unanimous vote, the Wichita-Sedgwick County Address Committee did not support the requested name change.

NEIL STRAHL, Planning staff presented information on the request. The applicant is Cessna-Textron. The Wichita-Sedgwick County Address Committee did not support the requested name change by unanimous vote. The Subdivision Committee voted 3-1 to approve the request on December 12, 2002. The Addressing Committee is here today to appeal the Subdivision Committee's recommendation, opposing the change and to speak about this request.

BARFIELD Are we talking about that one small portion of road there?

STRAHL Indicates with pointer the change.

GAROFALO Please show me again.

STRAHL Indicates again with the pointer.

WARREN So about 3,400 plus feet?

STRAHL That is correct.

JENNIFER CHAMBERS, 525 N. Main: The Address Committee is under the Subdivision Committee and we met on December 2, 2002 to discuss Cessna's request to rename part of Hoover to Citation Boulevard. The Address Committee felt that it was detrimental to the interest of sound addressing in Sedgwick County to rename part of an arterial/section line road and they did not want to set a precedent. To rename just a portion, barely a ½ mile, is not sound judgment. The purpose of the Address Committee is to correct those areas with street names that are confusing to the general public, emergency responders, dispatchers, etc. The address guidelines that have been written discourage vanity addresses. The name change will make more confusion. It can add more expense on the mail deliveries. We want MAPC to deny this street name change.

We understand that Cessna is willing to offset the costs of a name change to the affected businesses such as business cards and letterheads etc.

The public safety agencies (EMS, 911, Wichita Fire Dept and County Fire Dept.) have expressed they feel that the street name change would be confusing for them. We believe all of the businesses on Hoover should have been notified and they were not. The Address Committee recommends that a private drive to Cessna's new facility be named "Citation".

MCKAY How many businesses are in existence from K-42 to Hoover?

CHAMBERS I am not sure, probably about a dozen or so.

MCKAY Have the business people been notified?

CHAMBERS Only those along the proposed 3,000 feet by the Planning Department.

Lt. MARK JENKINS WICHITA FIRE DEPARTMENT I believe there were 14 businesses, within 3,000 feet of the property that have been notified.

MCKAY What would the Committee think about changing the street name all the way to Kellogg?

CHAMBERS I don't know. I think they would be more in favor of that.

MCKAY Hoover Road and Kellogg is where the street dies off because of the "Big Ditch". But what about changing the name from Kellogg to K-42 Highway?

CHAMBERS We would have to take this back to the Committee and discuss that option.

ANDERSON What is the City procedure that this kind of a street name change be initiated?

CHAMBERS There are not a lot of rules involving the process. You can get the form from MAPC web site.

ANDERSON You mean I can pay the fee of \$250.00 dollars and I can get my street named DON ANDERSON DRIVE and have it considered from the Subdivision Committee, then MAPC. I don't think we should be considering this because there are not set of official City rules for street name changes other than to pay the fee and go to Subdivision, then MAPC. The street name change was approved by the Subdivision Committee, I don't understand why we are hearing this today.

BARFIELD Thorne Drive is a private drive?

CHAMBERS No, it is a public drive.

BISHOP It could be a Citation Way?

CHAMBERS There are not any firm rules on that either. "Blvd." or "Dr." Implies a major thoroughfare.

BARFIELD Does the Fire Department feel this will affect the response time if called on an emergency?

LT. JENKINS I think this would affect the Fire Department. I am on the Address Committee. We really didn't know what we were doing as an Address Committee because the City didn't have a good method of determining street names. So we have been trying to fix this for the last three years. Jennifer has done countless hours researching—even to look and see what the other cities do about naming their streets. We have denied two or three street name changes. Believe me if people see they can get the their name of a business as a street name they will and we will be setting a precedent and we will be flooded with street name changes.

MARNELL At the current time you don't have a set of rules?

JENKINS The address guidelines that have been written discourage vanity addresses. It states "...vanity street names will not be allowed for only a segment of a street, but if used, must be used for the entire street length." The Committee recommended that a private drive to Cessna's new facility be named "Citation". But to change the street for one company it will lead to more.

MARNELL Is this part of the City Code?

JENKINS The rules are still being developed. This is "the cart before the horse" so to speak. The last I knew the Legal Department at the County is still reviewing this. There is no current codes written in stone on the way to do it.

MARNELL Eventually there will be a guideline.

MICHAELIS Looking at new subdivisions and the rules that apply to the names there...

MILLER Yes, if there is a street located there and it is platted, yes, the rule comes from the address committee.

MICHAELIS We hardly ever approves things that don't line up in subdivisions.

JENKINS If someone wanted Michael Jackson Blvd. we could get in trouble because that is a trademark name.

BLAKE Why is this up here before MAPC? I don't understand why we are hearing this.

MILLER It is here because the representatives from the business have filed for a street name change. The process is that first it goes to the Address Committee who makes recommendations to Subdivision. The Address Committee recommended denial of the request and the Subdivision Committee approved the request, so it is here at MAPC today because these Committees are not agreeing. This will go to the governing body after MAPC.

ANDERSON It seems to me like this is something that the City has had trouble with in the past. Look at I-135; it has another name as well. We need some specific policy on how streets are named and how to change street names and guidelines set forth specifically. I think there needs to be more attention to the policy guidelines, to staff, and give guidelines to the public that the public can understand.

JOHN FOWLER, CESSNA -TEXTRON, DEPT. 168, P O BOX 7704 WICHITA KS 67277-7704 I have some drawings to pass out to MAPC and I will be happy to answer questions.

BARFIELD Can't we ask the City attorney on the legality of this?

FOWLER It is important to Cessna that this be renamed. Hoover Street is scheduled to change from a two lane to a four lane street by the time that the Service Center is completed. It will be the largest service center in the world. There will be 1,500 people employed there. We will have people from around the world coming down this street. At the end of 2002 Cessna had 60% of the market of the aircraft business. The emergency procedure in effect today is that for any emergency. A marked police vehicle from Cessna will meet the EMS and take them to the place because we have so many buildings and it would be hard for EMS to find the location once inside the gate.

BARFIELD There are two streets that are named Cessna already in Wichita?

FOWLER Yes, I believe so.

BARFIELD When you talk about the number of visitors coming to Wichita. Would not renaming the street make it difficult for them to find the facility?

FOWLER It would be better for this facility. It was mentioned earlier that it may be possible to go clear up to Kellogg with the street name change.

MARNELL You want to change other people's addresses?

FOWLER We will change all of our addresses to "Citation". We have several buildings on that particular stretch of road. We haven't considered taking the street name change all the way to Kellogg.

BISHOP What problem is this supposed to solve? Mr. Fowler, are you saying people can't find your address with the street name Hoover?

FOWLER The recognition for people from around the world that will be coming to Wichita—the street name change would give Cessna the common identity to "Citation".

BISHOP So people can't find it because it is Hoover road now?

FOWLER The service center will have lots of people from around the world and to look for "Citation" would be better than Hoover Road. It will look better and sound better for our company as a whole.

BISHOP The compromise by the Address Committee suggesting that you use your private drive for that addressing ... that is not sufficient?

FOWLER It would but it would not change for all of our addresses on Hoover Road.

MICHAELIS Aren't 90% of these people going to fly in here and will not be driving?

FOWLER Some of them will fly here. Some will stay at hotels and etc. when they come and pick up the plane.

BARFIELD If an individual was here and staying at a hotel how, what would you give them in ways of directions to get to Cessna?

FOWLER It depends where they are coming from, which part of Wichita they are in.

WELLS Couldn't you accomplish this with signage and change the name of your private drive?

FOWLER It would address the service center but not the other facilities that have Hoover Road as their address.

COULTER That road—will it be one lane or two lanes? And at whose expense, who will be paying for it?

FOWLER The City will pay the expense of the road improvements.

BISHOP So, all of the other businesses along there that are not Cessna, their street name will change and Cessna has volunteered to offset costs of a street name change to the affected businesses. But most of those businesses on Hoover Road are part of the Cessna operation?

FOWLER There are three or four other businesses that will be affected.

BARFIELD I have a question for Joe Lang, are there any legal ramifications?

JOE LANG I think this is a pure legislative process. The liability for mis-directed emergency vehicles causes me concern.

MCKAY Would you consider going up to Kellogg all the way with the name change?

FOWLER We could consider it. We could delay this decision.

JOHNSON Since this was heard by subdivision and I voted for the name change at that hearing. There is not a good aerial of what Hoover Road does, how it is really laid out. I thought this name change was going all the way to Pueblo. I am not sure that I could support the change. I would like staff to report on the proposed four lanes on Hoover Road and everyone has a difference of opinion how and when that will be done.

FOWLER The four lanes will go to about what the location of what used to be old Harry. So the four lanes will not go all the way either.

JOHNSON At Subdivision we did have some businesses present that spoke in favor of this change.

MITCHELL GARNER I work for 911. I am opposed to this street name request.

CAPT. HOLMAN, SEDGWICK COUNTY FIRE DEPARTMENT I am on the Address Committee. My concern is that this will affect life safety. I have spent 23 years working for this community.

WELLS If we went all the way to Kellogg would that change your mind?

HOLEMAN No. It would not change my position. We don't want to keep the waters muddy. When people get up at 2:00 or 3:00 a.m. in the morning and go to an emergency I don't think having to worry about where "Citation" ends and Hoover Road begins is a good thing when looking for an address.

MIKE KOLLMEYER, City of Wichita GIS. What about the furniture business north of Kellogg on Hoover Road? There are some safety concerns.

MCKAY I have no problem at all changing the street name and I own property there.

WARREN I would like to make a couple of comments. You haven't heard from Subdivision Committee who were at the meeting, we may have to listen to this for another hour. Cessna is a friend of Wichita and Sedgwick County. My opposition is that I am surprised of the request. We have Boeing, Beech, Coleman, companies, in this town and they will want to change their names as well and this will open a can of worms. My concern is not this request ... what does this mean in the future; where do you cut this off?

MOTION: To deny this request.

WARREN moved, **BARFIELD** seconded the motion.

SUBSTITUTE MOTION: To defer so the applicant and the business can reconsider renaming the street from K-42 to Kellogg.

MCKAY moved, **WELLS** seconded the motion.

BISHOP I am not going to support the substitute motion. It looks like a compromise could be worked out.

ANDERSON I could support this if they can leave Hoover Road and the business can call their private drive "Citation Boulevard". It needs to stay Hoover Road for the emergency vehicles. I think we need some time and that the deferral might be a good idea.

JOHNSON I support the motion. I am appreciative of the Address Committee but there are a lot of streets that need to be looked at. You drive down one street and it changes right in the middle of the road.

BARFIELD There are no businesses that have an address on I-135. Cessna has a private drive right in the same address. I am opposed to taking a segment of a public road and renaming it to a private identity.

MARNELL I am opposed as well because just to change a section of the road--the change should not be done.

HENTZEN I am going to support the substitute motion. Let's vote on the substitute motion to defer the request.

SUBSTITUTE MOTION: To defer so the applicant and the business can reconsider renaming the street from K-42 to Kellogg.

MCKAY moved, **WELLS** seconded the motion, and it failed (5-9). (**WARNER, WELLS, MCKAY, HENTZEN, JOHNSON** in favor of deferral of the request).

HENTZEN Okay, back to the original motion to deny.

MOTION: To deny the request. Carries.

WARREN moved, **BARFIELD** seconded the motion, and it carried (9-5). (**WARNER, WELLS, MCKAY, HENTZEN, JOHNSON**, opposed to motion).

ANDERSON This matter will go to the City Council?

MILLER Yes, it will.

BISHOP I sit on the Subdivision Committee, but it seems to me that addresses come up a lot. What are the guidelines we need to know? I think maybe we need a works hop on the whole addressing issue. I don't think that it is fair to the companies like Cessna that there is not a policy down in writing. We need to clear up the murky water.

WARREN I don't think that this needs to be so structured, I think there needs to be flexibility.

ANDERSON When our recommendation is made to the WCC they need to know how much we labored over our decision and when this is presented to WCC they need to know our position and our thoughts and that Subdivision considered this Item for an hour and now MAPC almost as long.

MICHAELIS, MCKAY AND BLAKE out of meeting.

Item 4-1 through 4-3 may be taken in one motion, unless there are questions or comments.

4-1. VAC2002-38 Request to Vacate a Pennsylvania Street.

OWNER/APPLICANT: Michaelis Oil #2 c/o Mick Michaelis

AGENT: John T Arnold

LEGAL DESCRIPTION: That section of Pennsylvania Street north of Elm Street, south of the St Louis & San Francisco RR ROW and abutting Lots 1 –29, odd, Shirks 3rd Addition on its west side and Lot 2, Hardy Addition on its east side.

LOCATION: Generally located northwest of the E Central Avenue – N Hydraulic Avenue intersection.

REASON FOR REQUEST: Turn this section of Pennsylvania Avenue into a private drive to have more control over access into the applicant's property, which is on both sides of this section of Pennsylvania.

CURRENT ZONING: Subject property is dedicated public ROW. Properties to the south & west are zoned LI Limited Industrial and B Multifamily and Elm Street is dedicated public ROW. Property to the north is the St Louis & San Francisco RR ROW, after which there is LI Limited Industrial zoning. Property to the east is zoned LI Limited Industrial and B Multifamily.

The applicant proposes to vacate that section of Pennsylvania Street north of Elm Street, south of the St Louis & San Francisco RR ROW, abutting Lots 1 –29, odd, Shirks 3rd Addition (Filed April 1909) on its west side and Lot 2, Hardy Addition (Filed May 1932) on its east side. Pennsylvania was dedicated as a 30-foot ROW on Shirks 3rd Addition. There was no dedication of ROW for Pennsylvania on the Hardy Addition. Reversion of the ROW to private property goes to the Shirks 3rd Addition on the west side. There are no platted setbacks or easements on either plat; current setbacks move east with the vacated ROW. Pennsylvania is a paved 30-ft road. The applicant owns the properties abutting Pennsylvania on its east (Hardy Add) and west (Shirks 3rd Add) sides north of Elm Street to the RR ROW; the portion of Pennsylvania proposed to be vacated. The applicant proposes to turn this portion of Pennsylvania into a private drive, which would allow more control by the applicant over access onto his property along this area. To further facilitate this the applicant is proposing to fence the southern section of his property and gate Pennsylvania. The applicant has already fenced off the north end of Pennsylvania, where it ends at the RR ROW.

The Traffic Engineer has determined that vacating this portion of Pennsylvania would have a minimal impact on traffic through the area. East to west traffic would continue to have access onto Elm Street. Pennsylvania does not go north beyond the RR ROW, where it ends. Pennsylvania, north of the RR ROW to Murdock, was vacated by the Hajoca Co Addition (currently a business with a contractor's yard) in 1999. This proposed vacated portion of Pennsylvania is essential serving the applicant's properties only, which currently houses Contemporary Communications, Inc. Contemporary Communications is a mailing and printing business that occupies a warehouse, manufacturing and office buildings on the site. There is a water line and Weststar equipment in the western portion of the Pennsylvania ROW

The Planning Staff recommends approval of this request to vacate the platted dedicated public ROW, with the conditions that;

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time October 31, 2002, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described portion of the platted dedicated public ROW and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of the platted dedicated public ROW described in the petition should be approved subject to the following conditions:
- A. The Water Department has provided the applicant two options that will provide water to the applicant's property and to facilitate the retirement of the water line and end the need for retaining the west 20-feet of the ROW for easement.
 - B. Retain the western 10-feet of the ROW as a utility easement, if the Weststar Energy equipment is not moved.

- C. Provide access on the vacated portion of Pennsylvania with a gate approved by the Wichita Fire Department; KNOX Box or SOS type as advised by the Fire Department.
- D. There is a hydrant on the northwest corner of the Elm Street – Pennsylvania Ave intersectional, inside the sidewalk. The hydrant needs to remain accessible to the Fire Department; no fencing allowed that would screen the hydrant from Elm Street.
- E. Provide a covenant tying that portion of the 30-foot Pennsylvania Avenue ROW vacated, Lots 1-29 odd, Shirk's 3rd Addition and Lot 2, Hardy Addition together as one property.
- F. Dedicate an additional 2.6-feet to the 16-foot alley that abuts the west side of Lots 1-29 odd Shirks 3rd Addition. There are sewer and manholes in the alley. The additional 2.6-feet will bring the alley within 2foot of the current 20-foot standard for utility easements
- G. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- H. All improvements shall be according to City Standards.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **COULTER** seconded the motion, and it carried (11-0).

4-2. VAC2002-39 Request to Vacate Lot 31, Vandale Addition.

OWNER/APPLICANT: Edith Wahlen

LEGAL DESCRIPTION: Lot 31, Vandale Addition.

LOCATION: Generally located southwest of the 55th Street South – Broadway intersection, 5727 South Jones

REASON FOR REQUEST: The applicant is applying for a delay in the payment of special assessments for the cost of constructing public improvements; water.

CURRENT ZONING: Subject property and all surrounding properties are zoned SF-5 Single Family Residential.

The applicant is requesting consideration to vacate the whole 4.65 acres of Lot 31, Vandale Addition. The plat was recorded with the Sedgwick County Register of Deeds on 09-19-1921. The original plat had a total of 32 lots, the smallest 14 lots being 39,900 sq-feet, the largest 10 lots being 4.61 acres and the remaining 8 lots' sizes being somewhere in between. The lots in the Vandale Addition have been split and reconfigured many times until there are now at least 75 lots. The applicant's lot is one of two of the remaining original (10) 4.61 acre lots. The property was annexed into the City of Wichita in 2000.

The applicant is seeking to delay the payment of special assessments for the cost of constructing public improvements, in this case extending City water to the property. Charter Ordinance No. 139 provides City Council authorization to provide for a delay in payment of special assessments for the cost of constructing public improvements, not to exceed 15 years with a possible extension of 10 years if 50% or less of the property has not been developed. The conditions for consideration of the delay of payment of special assessments for the cost of constructing public improvements are as follows;

- (1) The land is in excess of 2 ½ acres.
- (2) Has not been platted
- (3) Primarily used for agricultural purposes
- (4) Has a population density of less than one family per acre
- (5) Not served by public improvement

The applicant meets conditions 1, 4 and 5. Condition 3 appears to have been met as the property is listed on the tax rolls as being used for agriculture. Staff met with the applicant on the property and was told that the applicant's husband had put out wheat, hay or truck gardened and kept a few stock animals up to his illness and death over 2 years ago. There was an International McCormick Farmall tractor in a garage and farm equipment on the property that included a drill, spring tooth, disk, mower and corn planter. The farm equipment indicated to Staff that the property had been used for agriculture. The applicant has a farmer that will put in hay this spring. The applicant's property is part of a plat, so it does not meet condition 2, thus the applicant's request to vacate her lot. The property is developed with a house, garage, some smaller out buildings, has well water and a septic system. Staff has been advised that this case is considered unique because of the financial hardship it places on the applicant. The applicant has lived on the site since 1946 and will continue to use well water.

The Planning Staff recommends approval of this request to vacate Lot 31, Vandale Addition, with the conditions that;

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time November 26, 2002, which was at least 20 days prior to this public hearing.
2. That private rights will not be injured or endangered by the vacation of the above-described portion of the plat and the public will not suffer loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of the portion of the plat described in the petition should be approved subject to the following conditions:

1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
2. All improvements shall be according to City Standards.
3. The deferral will run with the current property owner, change of ownership will end the deferral. Current owner will not have access to City water until the payment of special assessments for the cost of constructing public improvements, in this case extending City water to the property.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **COULTER** seconded the motion, and it carried (11-0).

4-3. VAC2002-40 Request to Vacate Wall Easement.

<u>OWNER/APPLICANT:</u>	Ridgeport Group LLC
<u>AGENT:</u>	Baughman Company c/o Terry Smythe
<u>LEGAL DESCRIPTION:</u>	5-foot wall easement as dedicated on Lot 27, Block F, Ridge Port North 3 rd Addition
<u>LOCATION:</u>	Generally located west of the Ridge Road – 34 th Street North Street North intersection, on the southeast corner of 34 th Street North & Sandplum Circle.
<u>REASON FOR REQUEST:</u>	Build on property.
<u>CURRENT ZONING:</u>	Subject property and properties to the south, east and west are zoned SF-5 Single Family Residential. Property to the north is zoned GO General Office.

The applicant proposes to build a house on Lot 27, with the drive going out onto 34th Street North. OCI requires the 5-foot wall easement be vacated.

The Planning Staff recommends approval of this vacation request noting that any encroachment into the platted setbacks would require a vacation.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time November 26, 2002, which was at least 20 days prior to this public hearing.
2. That private rights will not be injured or endangered by the vacation of the above-described portion of the platted wall easement and the public will not suffer loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of the portion of the platted wall easement described in the petition should be approved subject to the following conditions:

1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
2. All improvements shall be according to City Standards.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **COULTER** seconded the motion, and it carried (11-0).

MICHAELIS, MCKAY AND BLAKE reentered meeting

5. **Case No.: ZON2002-00065** – Cleora E. Duvall Living Trust c/o George R. & Cleora E. Duvall (owners/applicants); Baughman Company c/o Terry Smythe and Real Estate Resources c/o Ed Roberts (agent) Request a zone change from "SF-5" Single-family Residential to "LI" Limited Industrial on property described as:

Beginning 677 feet North of the Southeast Corner of the Southeast Quarter of Section 3; thence West 20 rods; thence North 16 rods; thence East 20 rods; thence South 16 rods to the point of beginning, all in Section 3, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located North of 21st Street North and west of Hoover

BACKGROUND: The applicant requests a zone change from "SF-5" Single Family Residential to "LI" Limited Industrial on a 1.84 acre unplatted tract located north of 21st Street North and west of Hoover. The subject property is currently developed with a single family residence, a mobile home, and various accessory structures associated with equestrian activities. The applicant proposes to redevelop the subject property for use by the Sealpak Company, a manufacturing business that is being relocated by the City from 2614 S. Hoover due to a drainage project at their current location.

The surrounding area is characterized by mixed-use suburban-density residential and commercial/industrial development. Property to the north is zoned "SF-5" Single Family Residential and is developed with single family residences and mobile homes. Property to the south is zoned "LC" Limited Commercial and "SF-5" Single Family Residential and is developed with single family residences and mobile homes. West of the subject property is a mixture of commercial/industrial businesses on property zoned "LI" Limited Industrial and "GC" General Commercial. East of the subject property across Hoover is undeveloped land that is zoned "LI" Limited Industrial.

The undeveloped industrial property located to the east across Hoover was approved for rezoning a couple of years ago with a Protective Overlay to limit uses and increase setbacks and screening standards. To maintain consistency with development approvals, planning staff recommends that the subject property be developed under the same Protective Overlay provisions as the property to the east.

CASE HISTORY: The subject property is unplatted. The zoning of other properties in the immediate area has been changed to permit industrial uses on five different occasions in the past 30 years.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single family residences, mobile homes
SOUTH:	"SF-5" & "LC"	Single family residences, mobile homes
EAST:	"LI"	Undeveloped
WEST:	"GC" & "LI"	Various commercial/industrial businesses

PUBLIC SERVICES: The site has access to Hoover, a two-lane arterial street with current traffic volumes of approximately 1,600 vehicles per day. The 2030 Transportation Plan estimates traffic volumes will increase to approximately 4,900 vehicles per day on Hoover and recommends that Hoover remain a two-lane arterial street. Planning staff estimates that the proposed development would generate only 20 trips in the peak hour; therefore, the City's Access Management Policy indicates that the applicant does not need to prepare a traffic impact analysis. The subject property currently does not have public water or sewer service; therefore, the applicant will need to guarantee the extension of public water and sewer to site as a part of the platting process. Development of the subject property without public water and sewer service should be discouraged due to potential negative impacts on ground water in the area, which serves the Sedgwick County Zoo.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development; however, the Land Use Guide in this area appears to recommend future land use based solely upon current zoning patterns. Since numerous properties in the immediate vicinity have been rezoned to permit industrial uses over the past 30 years, the recommended future land use should be discounted in this instance. The Industrial Locational Guidelines of the Comprehensive Plan indicate that industrial areas should be located in close proximity to support services and away from planned residential areas. Support services are or can be made available for industrial uses in this area, and there are no planned residential uses for this area in the future.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year and subject to the following provisions of a Protective Overlay:

1. The following uses permitted in the "LI" Limited Industrial District shall not be permitted on the subject property: funeral home, hotel or motel, kennel (boarding/breeding/training), marine facility (recreational), microbrewery, night club, parking area (commercial), pawnshop, recreation and entertainment (outdoor), tavern and drinking establishment, vehicle and equipment sales (outdoor), asphalt and concrete plant (general), gas and fuel storage and sales, landfill, mining or quarrying, oil or gas drilling, rock crushing, solid waste incinerator, transfer station, vehicle storage yard, and agricultural processing.
2. The subject property shall have an increased front building setback of 35 feet.

3. All outdoor storage uses on the subject property shall be screened on all sides by a solid screening wall or fence constructed of standard building materials customarily used for wall and fence construction such as brick, stone, concrete masonry, stucco, concrete, or wood.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by mixed-use suburban-density residential and commercial/industrial development. The zoning of most of the adjacent properties is "LI" Limited Industrial, "GC" General Commercial, or "LC" Limited Commercial. Therefore, the proposed zoning of the subject property is consistent with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "SF-5" Single Family Residential, and is currently developed with residential uses at a suburban density. Due to several factors, including limited size, location along an arterial street, and close proximity to industrial and commercial zoning and uses, it is unlikely that the subject property will redevelop with single family residential uses at an urban density appropriate for its current zoning classification.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The provisions of a Protective Overlay will limit uses and increase setbacks and screening standards, which will help limit detrimental affects on nearby residential properties. Additionally, the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance should further limit noise, lighting, and other activity from adversely impacting surrounding residential areas.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development; however, the Land Use Guide in this area appears to recommend future land use based solely upon current zoning patterns. Since numerous properties in the immediate vicinity have been rezoned to permit industrial uses over the past 30 years, the recommended future land use should be discounted in this instance. The Industrial Locational Guidelines of the Comprehensive Plan indicate that industrial areas should be located in close proximity to support services and away from planned residential areas. Support services are or can be made available for industrial uses in this area, and there are no planned residential uses for this area in the future.
5. Impact of the proposed development on community facilities: The subject property currently does not have public water or sewer service, so the applicant will need to guarantee the extension of public water and sewer to site as a part of the platting process. Development of this subject property without public water and sewer service should be discouraged due to potential negative impacts on ground water in the area, which serves the Sedgwick County Zoo.

SCOTT KNEBEL, Planning staff presented staff report.

BLAKE out at 2:30 p.m.

BAUGHMAN COMPANY, TERRY SMYTHE, 315 Ellis, agent for the applicant: We agree with staff comments.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WELLS moved, **ANDERSON** seconded the motion, and it carried (13-0).

6. **Case No.: DR02-13** – The City of Kechi Seeks Annexation of Properties located East of Hillside Avenue and North of 61st Street, adjacent to the City of Kechi.

The City of Kechi is considering unilateral annexation of eligible properties east of Hillside Avenue and north of 61st Street North. After review by staff, it has been concluded that the proposed annexation areas are compatible with the Wichita-Sedgwick County Comprehensive Plan, the adopted Community Development Plan for Park City and the adopted Community Development Plan for the City of Kechi. Staff recommends that the Metropolitan Area Planning Commission find the unilateral annexation proposed by Resolution Nos. 02-478, 02-479 and 02-480 of the City of Kechi, to be compatible with the adopted Wichita-Sedgwick County Comprehensive Plan.

DAVID BARBER, Planning staff presented staff report.

BISHOP Where does it go after we are finished with it?

BARBER We send a letter to the City of Kechi for their consideration.

MOTION: To approve.

BARFIELD moved, **WARNER** seconded the motion, and it carried (13-0).

The Metropolitan Area Planning Department informally adjourned at 3:00 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, Dale Miller, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2002.

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)